

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:16-cv-10519-RGS

<p>SOUTH BOSTON ALLIED WAR VETERANS COUNCIL, Plaintiff, v. THE CITY OF BOSTON, MAYOR MARTIN J. WALSH, MAYOR OF THE CITY OF BOSTON, in his official capacity, and POLICE COMMISSIONER WILLIAM B. EVANS, in his official capacity, and the CITY OF BOSTON, Defendants.</p>
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**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Defendants, Martin J. Walsh, Mayor of the City of Boston, in his official capacity, Police Commissioner William B. Evans, in his official capacity, and the City of Boston ("City"), respectfully request that this Court dismiss Plaintiff, South Boston Allied War Veterans Council's ("Allied") First Amended Complaint ("the Complaint") pursuant to Fed. R. Civ. P. 12(b)(6). Allied alleges violations of its First, Fifth and Fourteenth Amendment rights in violation of 42 U.S.C. § 1983, as well as the violation of its constitutional rights under the Massachusetts Civil Rights Act, G.L. c. 12, § 11(I). Allied's Complaint, however, fails to allege any constitutional deprivation caused by the City's decision to shorten its parade route where Allied alleges that it ultimately marched on its traditional route. In addition, Allied's claims under the Massachusetts Civil Rights Act fail as they are asserted against a municipality. The City therefore respectfully asks this Court to dismiss the Complaint in its entirety.

Rule 7.1 Certification

Undersigned counsel, Peter M. Geraghty, certifies that he has conferred with Plaintiff's counsel in accordance with Local Rule 7.1(A)(2) in connection with this motion.

Respectfully Submitted,

DEFENDANT, CITY OF BOSTON
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By its attorneys:

/s/ Peter M. Geraghty

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Dated: August 16, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this day, August 16, 2016, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants.

8/16/2016
Date

/s/ Catherine A. Lizotte
Catherine A. Lizotte